

### REMARKS

Applicants amended claims 1-7, 9, 14-25, 56, 59, 63-65, 67, and 69; and added new claims 85-92. Claims 1-7, 9, 12-25, 56-59, 63-65, 67, 69, 70, and 85-92, of which claims 1, 56, and 64 are in independent form, are presented for examination. All the claims recite an elongated medical device comprising, among other things, a composition comprising a hydrophilic polymer. As explained in Applicants' specification, in embodiments in which the medical device includes the hydrophilic polymer and a magnetic resonance material, for example, the polymer can hydrate upon contact with body fluid or another fluid and enhance the magnetic resonance imaging visibility of the medical device.

The Examiner rejected claims 1-7, 9, 14-16, 18-25, 56, 57, 59, 63-65, 67, and 69 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a), as obvious over U.S. Patent No. 5,817,017 (Young). In particular, the Examiner asserted that Young describes a hydrophilic polymer by disclosing a polymeric coating including cellulose ethers. However, the cellulose ethers and the other polymers that Young discloses are not hydrophilic polymers, as claimed.

Young describes an ion exchange resin carrier particle in which paramagnetic ions and a proton-donating fluid (such as water or polyethylene glycol) are entrapped and bound by an ion exchange resin, such as a molecular sieve or a zeolite. To further enclose and protect the paramagnetic ions and the proton-donating fluid, Young describes encapsulating the resin carrier particle with a polymer, of which a cellulose ether is an example:

The ion exchange resin carrier particle containing the paramagnetic ions and the proton-donating fluid may optionally be coated or encapsulated with a suitable material, usually a polymer, to form a shell or film in order to further enclose and protect the paramagnetic ions and the associated proton-donating fluid during manufacture of the devices or articles of the present invention. Polymers suitable for use as coatings can include, but are not limited to, cellulose ethers, such as hydroxypropyl cellulose and hydroxypropyl methylcellulose; acrylics such as methacrylate and methylmethacrylate copolymers, and methacrylic acid ester copolymers with acidic ionizable groups; ethylcellulose alone or in combination with a cellulose ether; cellulose acetate; hydroxypropyl methylcellulose phthalate; polyvinyl acetate phthalate; cellulose acetate phthalate; shellac; zein; and the like.

(Young, col. 8, lines 40-54, emphasis added.)

The polymers that Young discloses above are not hydrophilic. The cellulose polymers, such as hydroxypropyl cellulose, hydroxypropyl methylcellulose, and ethylcellulose, are derivatized with alkyl groups so as to be hydrophobic. And consistent with using hydrophobic cellulose polymers, Young discloses that another suitable polymer is zein, which is a water-insoluble prolamine used as a food coating to extend shelf life. Indeed, given Young's stated goal to keep the ions and the proton-donating fluid together and encapsulated in the resin carrier particle, it would make no sense to use a hydrophilic polymer because a hydrophilic polymer could extract the proton-donating fluid (e.g., water) away from the ions and out of the resin carrier particle, thereby lowering MRI visibility. Clearly, lowering MRI visibility is contrary to the general goal of Young, which is directed to enhancing MRI visibility. (Id., col. 2, lines 21-25.)

Thus, in light of the above remarks, Applicants submit that Young does not disclose or suggest a medical device having a hydrophilic polymer as claimed. Applicants request that the rejection be reconsidered and withdrawn.

Under 35 U.S.C. § 103(a), the Examiner rejected dependent claim 17 as being unpatentable over Young in view of U.S. Patent Nos. 5,153,053 (Hashimoto), 5,082,824 (Rhoades), or 4,618,518 (Pricone); dependent claim 58 as being unpatentable over Young in view of U.S. Patent No. 5,728,079 (Weber); and dependent claims 12, 13, and 70 as being unpatentable over Young in view of U.S. Patent No. 6,272,370 (Gillies). These secondary references do not cure the deficiencies of Young, for example, by disclosing or suggesting a medical device having a hydrophilic polymer as claimed. Accordingly, claims 12, 13, 17, 58, and 70 are patentable for at least the same reasons that the independent claims are patentable. Applicants, therefore, request that these rejections be withdrawn.

In light of the above amendments and remarks, Applicants believe the claims are in condition for allowance, which action is requested.

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Respectfully submitted,

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